

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA

FILED

FEB 13 2004

TERESA L. DEERBERG, CLERK
U.S. District Court
Southern District of West Virginia

Aaron Jones,
 plaintiff,

5:04-0118

v.

Federal Bureau of Prisons, F.C.I. Beckley
 defendant.

Pursuant to the United states Constitution, and Bivens v. Six unknown federal narcotic's agents, 403 U.S. 388 (1971), this plaintiff hereby seeks compensational damages in the full amount of Seventy five thousand dollars (\$75,000.00), for an injury that occurred on October 06, 2003, as a direct result of an attack from another prisoner, while this plaintiff was under the protection and custody of the Bureau of Prison's (BOP) facility- Federal Correctional Institution, Beckley West Virginia.

Exhibits A and A-2 is hereby enclosed to legally illustrate that the authorized staff, at Federal Correctional Institution, herein after F.C.I., Beckley do not wish to take legal responsibility for the above mentioned attack, by another prisoner, at their facility. Also, enclosed is a Motion To Proceed in forma Pauperis, and a six (6) months financial statement.

Because this plaintiff, in good faith, had tried to secure a remedy through the federal tort claims act, (Refer to Exhibits A and A-2), and was denied, this plaintiff hereby reserves the right to thereby amend and supplement this action with medical records, documents, and prevalent case law, pursuant to the Constitution and Supreme Court of The United States of America.

Respectfully Submitted,

February 09, 2004

Mr. Aaron Jones
Reg. #23573-016

CERTIFICATE OF SERVICE

I, the plaintiff, Aaron Jones, hereby declare that I have mailed and caused to be sent a full true copy of this action, to the defendants' counsel of record, Attorney Debbie Stevens, at P.O. Box 1280, Beaver, W. Va.

25813-1280, on this 9th day of February, 2004.

Respectfully Submitted,

Mr. Aaron Jones
Reg. No. #23573-016
F.C.I. Beckley
P.O. Box 350
Beaver, W. Va. 25813

"Authorized By The Act Of July
27, 1955 To Administer Oaths
(18 USC 4004)."

A. C. Beckley, CSW
Case Manager



(EXHIBIT-A)

U.S. Department of Justice

Federal Bureau of Prisons

Federal Correctional Institution

1600 Industrial Park Road
Beaver, West Virginia 25813

January 29, 2004

Aaron Jones
Register No. 23573-016
FCI Beckley
P.O. Box 350
Beaver, West Virginia 25813

Re: Your Tort Claim No. TRT-MXR-2004-00403

Dear Mr. Jones:

Your claim has been considered for administrative settlement under the Federal Tort Claims Act, 28 U.S.C. § 2671, *et. seq.*, and authority granted under 28 C.F.R. § 0.172. You claim government liability in the amount of \$75,000.00 for injury that occurred on October 6, 2003. Specifically, you contend you were attacked in your unit in the presence of an officer at FCI Beckley, causing a concussion and resulting in stitches, which caused scarring, and emotional distress.

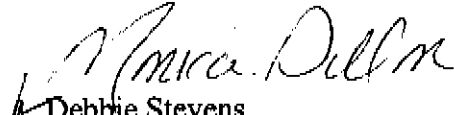
Investigation into your claim reveals that on October 6, 2003, the unit officer called for assistance when he observed you being assaulted by another inmate. Responding staff secured your assailant and you were escorted to Health Services. You were examined and treated for a 1 inch laceration to the left side of your forehead. No other injuries were noted at the time of your medical assessment.

Medical staff were interviewed regarding the scarring and stated the removal of any scarring would be considered cosmetic, elective surgery, and therefore not available pursuant to Program Statement 6000.05, Health Services Manual.

As for your allegation that the officer failed to protect you, FCI Beckley staff were were not aware of any risk to your safety, and as soon as the staff member became aware of the incident, he immediately called for assistance and staff responded.

As there is no evidence that any act or omission of a government employee was a factor in your injury, your claim is denied. This is a final denial of your claim. If you are not satisfied with this determination, you have six months from the date of the mailing of this notification to bring suit in an appropriate United States District Court, should you wish to do so.

Sincerely,


Debbie Stevens
Supervisory Attorney

for:

Bill Burlington
Regional Counsel